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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,657

05/09/2006

Elmo Marcus Attila Diederiks

US030402

1513

24737

7590

09/03/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

LI, SUN M

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

09/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,657	Applicant(s) DIEDERIKS, ELMO MARCUS ATTILA	
	Examiner SUN LI	Art Unit 4115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/9/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/9/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following is a non-final, first office action on the merits, in response to application filed 5/9/2006. Claims 1-20 are pending.

Priority

The Applicant claims benefit of PCT/IB04/52339 filed on 11/8/2004. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 5/9/2006 was in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 6-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (U.S. Pub. No.2004/0034561 A1).

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As per claim 1, Smith discloses a method of providing an interactive billboard, comprising facilitating:

- receiving a message for posting on the billboard, with a contact-number for responding to the message, separate from the message ([0007], utilizing short message systems provided on mobile or cell phones; Fig. 1, billboard advertisement; autofone),
- associating a response-number to the contact-number ([0008], a common “reply to” telephone number; [0009], use distinct pre-allocated short text message; [0078], every message contains the mobile number of the originating message),
- displaying the message and the response-number on the billboard ([0007], utilizing short message systems provided on mobile or cell phones),
- receiving one or more response-messages associated with the response-number ([0009], use the same common “reply to” telephone number), and
- forwarding the one or more response-messages to the contact-number associated with the response-number ([0076], automatically routed to multiple clients).

As per claim 2, Smith further discloses the method of claim 1, further including facilitating providing a limited time duration for forwarding the response-messages to the contact-number ([0068], overall delivery time is typically a few seconds; [0083], keyword, billboard advertising where time is limited).

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As per claim 3, Smith further discloses the method of claim 2, further including facilitating

- receiving an other message and an other contact-number ([0007], utilizing short message systems provided on mobile or cell phones).
- associating the response-number to the other contact-number after the limited time duration ([0067], interactive; ([0068], overall delivery time is typically a few seconds; [0083], billboard advertising where time is limited), and
- displaying the other message and the response-number on the billboard ([0007], utilizing short message systems provided on mobile or cell phones).

As per claim 4, Smith further discloses the method of claim 1, wherein the one or more response-messages include at least one of: a voice message, a Short Messaging Service message, and a Multimedia Messaging Service message ([0012], short text message; Fig. 2, call a telephone number; Fig. 6, log of calls).

As per claim 6, Smith further discloses the method of claim 1, further including facilitating simultaneously displaying multiple messages on the billboard ([0005], multiple promotions could be run simultaneously).

As per claim 7, Smith further discloses the method of claim 6, further including facilitating

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- associating a distinct response-number to each of the multiple messages ([0005], multiple promotions could be run simultaneously, content of the SMS will be specific to and will identify the particular promotion; [0076], messages can be automatically routed to multiple clients, based on the content of the message), and
- displaying each of the distinct response-numbers with each of the multiple messages; ([0076], messages can be automatically routed to multiple clients, based on the content of the message).

As per claim 8, Smith further discloses the method of claim 1, wherein

- the response-number is associated with multiple contact-numbers ([0005], the same destination phone number), and
- the method further includes receiving ancillary information that facilitates identification of the contact-number to which each response-message of the one or more response messages is to be forwarded ([0005], content of the SMS will be specific to and will identify the particular promotion).

As per claim 9, Smith further discloses the method of claim 8, wherein the ancillary information includes at least one of: a time of receipt of the response-message, and an identifier associated with the message on the billboard ([0044], date sent, time sent, mobile number, message text).

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As per claim 10, Smith further discloses the method of claim 1, further including providing a further isolated communication path between a responder who provided at least one of the one or more response-messages and a poster who provided the message for posting on the billboard ([0078], every message contains the mobile number of the origination message, reply path, 2-way transaction; Fig. 2, advert. media).

As per claim 11, Smith discloses a billboard system comprising:

- a posting receiver that is configured to receive a message, and a contact-number separate from the message (Fig.2, item 18, Advert.Media).
- a controller that is configured to: associate a response-number to the message, and display the message and the response-number on a billboard (Fig. 2, item 20, autofone database).

As per claim 12, Smith further discloses the billboard system of claim 11, further including:

- a response receiver that is configured to receive a response-message associated with a received-response-number (Fig. 2, item 16, response messages, mobile operator), and
- a response transmitter that is configured to transmit the response-message to the contact-number that is associated with the received-response-number (Fig. 2, item 22; Fig. 7, mobile network).

As per claim 13, Smith further discloses the billboard system of claim 12, wherein

- the received-response-number is associated with multiple contact-numbers ([0005], the same destination phone number), and
- the response receiver is further configured to receive ancillary information that facilitates identification of the contact-number to which the response-message is to be transmitted by the response transmitter (Fig. 2, item 16, response messages, mobile operator; ([0005], content of the SMS will be specific to and will identify the particular promotion).

As per claim 14, Smith further discloses the billboard system of claim 13, wherein the ancillary information includes at least one of: a time of receipt of the response-message, and an identifier associated with the message on the billboard ([0044], date sent, time sent, mobile number, message text).

As per claim 15, Smith further discloses the billboard system of claim 12, further including a database that is configured to store the response-number and the associated contact-number (Fig. 2, item 20, autofone database).

As per claim 16, Smith further discloses the billboard system of claim 11, wherein the controller associates the response-number to the message for a limited time duration

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(Fig. 2, item 16, response messages, mobile operator; [0068], overall delivery time is typically a few seconds; [0083], billboard advertising where time is limited).

As per claim 17, Smith further discloses the billboard system of claim 11, wherein

- the posting receiver is further configured to receive an other message and an other contact-number (Fig.2, item 18, Advert.Media; [0005], multiple promotions could be run simultaneously), and
- the controller is further configured to: associate the response-number to the other message, and display the other message and the response-number on the billboard (Fig. 2, item 20, autofone database; Fig. 1).

As per claim 18, Smith further discloses the billboard system of claim 11, wherein the response-message includes at least one of: a voice message, a Short Messaging Service message, and a Multimedia Messaging Service message ([0012], short text message; Fig. 2, call a telephone number; Fig. 6, log of calls).

As per claim 19, Smith further discloses the billboard system of claim 11, wherein the controller is further configured to simultaneously display multiple messages on the billboard (Fig. 7, promotion gateway 102; [0005], multiple promotions could be run simultaneously).

As per claim 20, Smith further discloses the billboard system of claim 19, wherein the controller is further configured to:

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- associate a distinct response-number to each of the multiple messages, (Fig. 7, promotion gateway 102; [0005], content of the SMS will be specific to and will identify the particular promotion, [0044], mobile number), and
- display each of the distinct response-numbers with each of the multiple messages (Fig. 1; [0076], messages can be automatically routed to multiple clients, based on the content of the message).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Henrick (U.S.Pub. No.2003/0060157 A1).

As per claim 5, Smith further discloses the method of claim 1; however, Smith does not explicitly disclose further including facilitating receiving payment corresponding to at least one of: displaying the message, and forwarding the one or more response-messages. Henrick teaches charging the user who learns of the content by viewing billboard for downloading the media content ([0023], bill the user's account for the cost

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of the song). Therefore, it would have been obvious for one with ordinary skill in the art at the time of the invention to modify Smith by including receiving payment by displaying the message to motivate customers to learn of the advertising promotion to entice more purchases, as per teachings of Henrick. (Smith, [0007], utilizing short message systems provided on mobile or cell phones; Fig. 1, billboard advertisement; Henrick, [0023], bill the user's account for the cost of the song).

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUN LI whose telephone number is (571) 270-5489. The examiner can normally be reached on Monday-Thursday 6:30AM-5:00PM Eastern Standard Time. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on 571-272-6704. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SL
Patent Examiner, AU 4115

/Bradley B Bayat/

Supervisory Patent Examiner, Art Unit 4115